

## Remarks/Arguments

### **Rejections under 35 U.S.C. § 102**

In the Office Action, the Examiner rejected claims 1-14 and 16 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,671,262 to Kung et al. ("*Kung*"). Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

As for claim 1, claim 1, among other things, recites:

a dataconference control unit connected to the telephone adapter and the network interface, the dataconference control unit adapted for communication with the local display device, the dataconference control unit implementing a negotiation procedure that obtains a network access code and causes the telephone adapter to generate and transmit within the voice call session a signal representative of the network access code for receipt by the remote dataconferencing appliance,

the dataconference control unit being responsive to receipt at the telephone adapter of a remote signal transmitted from the remote dataconferencing appliance within the voice call session, the remote signal representing a remote network access code, and to establish a data communication session between the local and remote sites via the data network using the remote network access code, when received, and

thereby enabling image data to be transmitted between the local and remote sites over the data network for display via the local and remote display devices.

\*Underline added

Contrary to Examiner's assertions, *Kung* does not disclose such features. In particular, Applicant submits that *Kung* does not teach the combination of features recited in claim 1 including a dataconference control unit "that obtains a network access code and causes the telephone adapter to generate and *transmit within the voice call session a signal representative of the network access code for receipt by the remote dataconferencing appliance,*" the dataconference control unit further "being responsive to receipt . . . of a remote signal transmitted from the remote dataconferencing appliance within the voice call session, the remote signal representing a remote

network access code, and *to establish a data communication session between the local and remote sites via the data network using the remote network access code,*” and *“thereby enabling image data to be transmitted between the local and remote sites over the data network.”* In the Office Action, the Examiner cites specific passages in *Kung* that allegedly teach such features. Applicant respectfully disagrees and submits that those passages do not disclose the specific combination of features recited in claim 1. The specific passages, at best, merely teach a client device or a user to send a pre-assigned authorization code to a network or a server in order to participate in a conference call or to access, for example, pending voicemail. For at least these reasons, Applicant submits that claim 1 is patentable over *Kung*. In the event that the Examiner chooses to maintain this rejection, Applicant respectfully requests that the Examiner particularly indicate where in the cited passages of *Kung* are the features of claim 1 taught.

Claims 2-14 and 16 depend from and add additional features to independent claim 1. Therefore, by virtue of their dependency, claims 2-14 and 16 are also patentable over *Kung*.

### **35 U.S.C. § 103 Rejection**

The Examiner rejected claims 15 and 17-48 under 35 U.S.C. § 103(a) as being unpatentable over *Kung* in view of U.S. Patent No. 6,091,857 to Shaw et al. (“*Shaw*”). Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

Regarding claims 15 and 17-20, claims 15 and 17-20 depend from and add additional features to claim 1. The deficiencies of *Kung* with respect to claim 1 as described above are not cured by the teachings of *Shaw*. Therefore, by virtue of their dependency, claims 15 and 17-20 are patentable over *Kung* in view of *Shaw*.

Regarding independent claim 21, claim 21 has similar features as claim 1. The deficiencies of *Kung* with respect to claim 1, as well as with respect to claim 21, as described above are not cured by the teachings of *Shaw*. Therefore, for at least the

same reasons that claim 1 is patentable over *Kung*, claim 21 is patentable over *Kung* in view of *Shaw*.

Claims 22-34 depend from and add additional features to claim 21. Therefore, for at least the same reasons that claim 21 is patentable over *Kung* in view of *Shaw*, claims 22-34 are also patentable over *Kung* in view of *Shaw*.

As for claim 35, claim 35 recites in substance the same limitations discussed earlier for claim 1. Accordingly, for at least the same reasons, claim 35 is patentable over *Kung*. *Shaw* does not remedy the above discussed deficiencies of *Kung*, therefore, claim 35 remains patentable over *Kung* even when combined with *Shaw*.

Claims 36-48 depend from and add additional features to claim 35. Therefore, by virtue of their dependency and for at least the same reasons that claim 35 is patentable over *Kung* in view of *Shaw*, claims 36-48 are also patentable over *Kung* in view of *Shaw*.

### Conclusion

In view of the foregoing, the Applicant respectfully submits that claims 1-48 are in a condition for allowance. Early issuance of Notice of Allowance is respectfully requested.

If the Examiner has any questions, he is invited to contact the undersigned at 503-796-2099.


The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: 1/15/05

Pacwest Center, Suite 1900  
1211 SW Fifth Avenue  
Portland, Oregon 97204  
Telephone: 503-222-9981

  
James J. Namiki, Reg. No. 51,148